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United States General Accounting Office
Washington, DC 20548

Comptroller General
of the United States

Decision

Matter of: Boland Well Systems, Inc.

File: B-287030

Date: March 7, 2001

Paul Boland for the protester.

Lt. Col. Joseph V. Treanor, III, and Capt. Brian Varn, Department of the Air Force, for the agency.

Linda C. Glass, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency reasonably rated protester's past performance as "neutral with unknown confidence" where record shows that protester failed to submit in its proposal required detailed information showing that it had performed contracts relevant to the solicited effort.

DECISION

Boland Well Systems, Inc. protests the award of a contract to International Research and Development, Inc. (IRD) under request for proposals (RFP) No. F24604-01-D-0004, issued by the Department of the Air Force for the replacement of livestock gates at the Malmstrom Air Force Base missile complex in Montana. Boland asserts that the Air Force did not properly consider its past performance.

We deny the protest.

The RFP contemplated the award of a fixed-price contract based on a performance/price tradeoff (PPT) technique. RFP § M-2(a). Consistent with this technique, the RFP provided that all offerors considered for award would receive a performance risk assessment of exceptional/high confidence, very good/significant confidence, satisfactory/confidence, neutral/unknown confidence, marginal/little confidence, or unsatisfactory/no confidence. The RFP stated that the purpose of the performance risk assessment was to identify and review relevant present and past performance and then make an overall risk assessment of an offeror's ability to perform the effort. The agency reserved the right to award a contract to other than the offeror submitting the lowest evaluated price and to award to a higher priced

offeror with a better performance risk rating. The RFP provided that price and performance risk were equal in weight and that one could be traded off against the other. The RFP required offerors to submit detailed past performance information to include aspects of the contract deemed relevant to the proposed effort; type of contract; and name, address, and telephone number for the program manager, administrative contracting officer, procuring contracting officer, and contract manager. RFP § L-1000X (b). The agency reserved the right to make award on the basis of initial proposals without conducting discussions. RFP § L-508(d).

The agency received six proposals including IRD's and Boland's. After evaluating the proposals, the agency decided to proceed with award on the basis of initial proposals without conducting discussions. Boland submitted the overall low price. Pricing Memorandum at 2. Boland's past performance submission contained ten references. Past performance questionnaires were sent and four responses concerning Boland were received. While the ratings Boland received from its references ranged from satisfactory to very good, all of the responses involved contracts that were for landscaping projects and that were valued significantly less than the government estimate for this contract of \$320,000. Since Boland's prior contracts for landscaping work showed no relevance to the type of work—gate replacement—required by the solicitation, Boland's proposal received a rating of neutral/unknown confidence.¹ Pricing Memorandum at 3.

IRD submitted the second low price. Under the past performance factor, IRD's proposal received a rating of exceptional/high confidence. The past performance information submitted by IRD was for the "exact same type of work required by the solicitation." Pricing Memorandum at 3. Although Boland's total price was approximately \$40,000 less than IRD's, the agency determined that IRD's proposal represented the best value to the government based on IRD's exceptional/high confidence past performance rating. Accordingly, the agency awarded the contract to IRD. Boland requested and received a debriefing, and then filed an agency-level protest contesting the selection decision. After the agency denied the protest, Boland filed this protest with our Office.

Boland asserts that the agency improperly evaluated its past performance. Specifically, Boland contends that the contracting officer was verbally advised by Boland prior to award of the company president's experience with another firm that installed the gates at issue here. Boland also argues that the simplicity of the removal and reinstallation of the gates should have been given considerable weight in the evaluation of a firm's ability to perform the requirement. Boland maintains that any construction or farm worker could perform gate replacements.

¹ Under Federation Acquisition Regulation § 15.305(a)(2)(iv), where an offeror does not have a record of relevant past performance, the offeror may not be evaluated either favorably or unfavorably.

It is not the function of our Office to evaluate past performance information de novo. Rather, we examine an agency's evaluation only to ensure that it was reasonable and consistent with the stated evaluation criteria and applicable statutes and regulations, since determining the relative merit of an offeror's past performance information is primarily a matter within the contracting agency's discretion. Boeing Sikorsky Aircraft Support, B-277263.2, B-277263.3, Sept. 29, 1997, 97-2 CPD ¶ 91 at 5.

Notwithstanding the protester's argument that Boland verbally advised the contracting officer of its president's experience in installing the gates, the record shows that although required by the RFP to do so, the protester failed to establish in its proposal or through its past performance references that it had actual experience installing gates. The record shows that the prior contracts listed by Boland to establish past performance were all landscaping projects. In our view, the agency reasonably concluded that the landscaping contracts were not relevant to the current requirement for gate replacements. Further, the agency reports that prior to award the cognizant agency official attempted to verify the company president's prior gate installation experience under a prior contract. The agency advises that the agency official could not find that individual's name in the employment records for contracts awarded by the base for gate installation. Response to Protest at 4.

In sum, Boland simply did not provide in its proposal or at any time during the conduct of the procurement evidence establishing that the company had relevant past performance. While the protester argues that the requirement is simple and that any construction worker could perform it, the solicitation specifically advised offerors that award would be based on the PPT technique and that a performance risk assessment would be performed to identify and review relevant present and past performance in order to make an overall risk assessment of an offeror's ability to perform the requirement. In accordance with the solicitation, the agency performed a performance/price tradeoff and determined that the higher priced proposal of IRD, which had a better performance risk rating than the protester, represented the best value to the government. On this record, we have no basis to question the agency's evaluation of proposals or source selection decision.

The protest is denied.

Anthony H. Gamboa
Acting General Counsel